

Appln. No. 10/589,836
Response to Office Action mailed March 31, 2008

AMENDMENTS TO THE DRAWINGS

Please find included herewith replacement sheets including FIGS. 1, 2, 3, 4, and 4a correcting section line and labeling errors appearing in Applicants' originally-submitted FIGs. 1, 2, 3, 4, and 4a. Please replace the original sheets illustrating FIGs. 1, 2, 3, 4, and 4a with the accompanying replacement sheets illustrating FIGs. 1, 2, 3, 4, and 4a.

Attachment: Replacement Sheets (4)

REMARKS

This is a full and timely response to the non-final Office Action mailed March 31, 2008, in which Applicants' Claims 1, 4, 5, 7, and 9-12 were rejected; and Applicants' Claims 2, 3, 6, and 8 were objected to. By way of this Response, Applicants' Claims 1, 3, 5-7, 9, 11, and 12 have been amended; and Claims 2 and 8 have been cancelled. Reconsideration of pending Claims 1, 3-7, and 9-12 is respectfully requested in view of the following remarks.

I. Objections to the Drawings

1. On page 2, the Office Action states that the drawings contain improperly drawn and incorrectly labeled section lines. Further, on page 2, the Office Action states that Applicants' drawings fail to comply with 37 CFR 1.83(a). In particular, the Office Action states that the drawings must show every feature of the invention specified in the claims. The Office Action further states that the details of the switch from Claim 8 must be shown or the features cancelled from the Claim.

In response to these objections, the drawings have been amended as follows:

In FIGs. 1-4, the section lines have been redrawn properly and are correctly labeled as required. For example, in FIG. 1, A-A has been changed to 1a-1a to reflect the figure number (1a) that the section line of FIG. 1 refers to. Similarly, corrections to analogous section lines and labels have been made to FIGs. 2-4.

In FIGs. 1 and 2, the extraneous character “#” appearing in two places in each figure has been deleted.

In FIGs. 3 and 4, the extraneous character “A” (written upside down) that appears in two places in each figure has been deleted.

FIG. 4a has been amended to be in compliance with 37 CFR 1.83(a) so as to illustrate each detail described in the Claims. These amendments include the addition of locking elements 34 and 35, and projection 16, each coupled to switch 13.

II. Amendments to the Specification

2. On page 2, the Office Action requests that a German document number cited in Paragraph 0004 be changed to the equivalent U.S. patent number, and further that the specification not refer to specific claims such as was done in Paragraph 0018. Accordingly, please note that Applicants have amended Paragraph 0004 by replacing the German document number with the equivalent U.S. patent number. Further, please note that Applicants have amended Paragraph 0018 to eliminate all reference to claims.

III. Claim Objections

On pages 2 and 3, the Office Action objects to Applicants' Claims 1, 3, 5, 7, 11, and 12 for certain informalities. In response, the claims have been amended as follows:

1) In Claim 1, "an electric switch" has been deleted, and the phrase -- a switch coupled to the housing, the switch having an opening therein that enables the locking element to move into the release position only when the switch is rotated to a defined switching position -- has been substituted.

2) Applicants have deleted "the correct position" from Claims 1, 5, 7, 11, and 12.

3) Applicants have significantly rewritten Claim 1, and the lines in question now read: "a push button coupled to the at least one locking element, the push button configured to resiliently deflect the locking element into a position that releases the housing; and."

4) Applicants have cancelled Claim 2, and have amended Claim 1 to include the limitations of Claim 2. The word “block” is omitted from Claim 1.

5) The Office Action states that in general, the claims are not clearly written. Please note that portions of Claims 1, 3, 5-7, 9, 11, and 12 have been amended to more clearly recite the Applicants’ invention. Accordingly, Applicants respectfully request consideration of Claims 1, 3, 5-7, 9, 11, and 12 in light of these amendments.

IV. Claim Rejections under 35 U.S.C. § 102(b)

On page 3 of the Office Action, Applicants’ Claims 1, 4, 5, 7, and 9-12 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,565,663 (“the Kossakowski reference”).

Applicants’ Claim 1 has been amended to more clearly recite Applicants’ invention. Further, Applicants’ independent Claim 1 has been amended to incorporate the limitations recited in Claim 2; a Claim merely objected to. Further, this incorporation has been done omitting the word “block” that the Office Action had indicated as the source of the objection regarding Claim 2. Therefore, as amended, it is respectfully submitted that Claim 1 is in a condition for allowance.

Further, it is well-established that a reference must teach every element of a claim to properly anticipate the claim under 35 U.S.C. § 102(b). MPEP § 2131. In addition, “the identical invention must be shown in as complete detail as is contained in the... claim.” MPEP § 706.02 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As amended, Claim 1 states -- a switch . . . having an opening therein that enables the locking element to move into the release position only when the switch is rotated to a defined switching position --. The Kossakowski reference does not teach such an opening in the switch, but rather teaches two extensions formed into the operating knob that press the retaining elements into the release position when the operating knob is brought into a certain position. Because the Kossakowski reference

fails to teach an element recited in Applicants' independent Claim 1, as amended, it is therefore respectfully submitted that the Kossakowski reference cannot properly anticipate Applicants' amended Claim 1 under 35 U.S.C. § 102(b), and that Claim 1 is therefore believed to be in condition for allowance.

Applicants' Claim 2 is cancelled.

Applicants' Claim 3 has been amended to more clearly recite Applicants' invention. In addition, Claim 3 has been amended to depend from Claim 1, and is believed allowable therewith.

Applicants' Claim 4 is dependent from Applicants' amended independent Claim 1 and is believed to be allowable therewith in view of the arguments made above regarding the Kossakowski reference.

Applicants' Claim 5 has been amended to more clearly recite Applicants' invention. Further, Applicants' Claim 5 has been amended to recite ". . . a push button coupled to the at least one locking element and configured to unlock the at least one locking element enabling it to be deflected, . . ." The Kossakowski reference does not teach or suggest an element used to lock the locking element itself. In Kossakowski, the locking element or "retaining device" is not locked into place by a separate locking device, but is free to move against the spring when pushed by the actuator. In the Kossakowski reference, the "locked position" refers to the position the retaining device assumes when it is locking the housing into place, not wherein the retaining device itself is locked. In view of this distinction over the Kossakowski reference, Applicants respectfully submit that independent Claim 5 is now in condition for allowance.

Applicants' Claim 6 has been amended to more clearly recite Applicants' invention. Further, because the Office Action indicated merely an objection to Claim 6, and because Claim 6 is believed to be properly dependent from independent Claim 5, it is respectfully submitted that Applicants' Claim 6 allowable therewith.

Applicants' Claim 7 has been amended to more clearly recite Applicants' invention. Further, Applicants' independent Claim 7 has been amended to incorporate the limitations recited in Claim 8; a claim indicated in the Office Action as being objected to for lack of clarity.

Furthermore, Applicants' independent Claim 7 has been amended to specifically recite ". . . a push button configured to unlock the switch enabling it to rotate, and wherein the switch is further configured to resiliently deflect the at least one locking element to a release position and release the housing." The Kossakowski reference does not teach or suggest an element configured to lock the switch to prevent the switch from rotating as Applicants' independent Claim 7 recites. As no additional rejections have been asserted against Applicants' independent Claim 7, and in view of its incorporation of the limitations of Claim 8, it is further respectfully submitted that Claim 7 is allowable.

Applicants' Claim 8 is cancelled. As mentioned above, the limitations recited in Claim 8 have been incorporated into Applicants' independent Claim 7.

Applicants' Claim 9 has been amended to more clearly recite Applicants' invention. Further, in view of the amendments made to Applicants' Claim 5, and to the arguments made above regarding the Kossakowski reference pertaining to Claim 5, it is respectfully submitted that, Applicants' Claim 9 is allowable as a dependent Claim therefrom.

Applicants' Claim 10 is now believed to be allowable over the Kossakowski reference in view of the amendments made to Applicants' independent Claim 1 from which Claim 10 depends.

Applicants' Claim 11 recites the step of "operating a push button to release the locking element from a locking position." The Kossakowski reference fails to teach such a step used to release or unlock a locking element. As no additional rejections have been asserted against Applicants' independent Claim 11, it is further respectfully submitted that Claim 11 is allowable.

Applicants' Claim 12 recites the step of "operating a push button to unlock the switch." The Kossakowski reference neither suggests nor teaches a step of using a push button or similar device to lock the switch in place. As no additional rejections have been asserted against Applicants' independent Claim 12, it is further respectfully submitted that Claim 12 is allowable.

V. References Cited But Not Relied Upon

The references cited but not relied upon have been reviewed and are not believed to form the basis of a valid rejection of the claims taken singly or in combination.

VII. Conclusion

Considering the foregoing remarks and amendments, Applicants respectfully submit that the Application is now in condition for allowance.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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If, for some reason, Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge INGRASSIA, FISHER & LORENZ, PC, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,
INGRASSIA, FISHER & LORENZ, P.C.

Dated: June 24, 2008

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